

RESPONSE TO OFFICE ACTION

Serial No. 10/684,054

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REMARKS

This response is intended as a full and complete response to the Office Action dated March 25, 2005. In view of the following discussion, the Applicants believe that all claims are in allowable form.

CLAIM REJECTIONS

Claims 1-3, 6, 8-10, 13-15, 18 and 21 stand rejected as being unpatentable over United States Patent Number 6,231,674, issued May 15, 2001, to *Chen et al.* (hereinafter *Chen*) in view of United States Patent Number 6,589,352, issued July 8, 2003 to *Yudovsky et al.* (hereinafter *Yudovsky*).

However, the Applicants submit that they conceived of and reduced to practice the present invention prior to the July 8, 2003 first publication date of *Yudovsky*. The Applicants have filed herewith a declaration under 37 C.F.R. §1.131 in support of this submission. As such, *Yudovsky* is a 102(e)-type reference. Furthermore, the inventors of both *Yudovsky* and the present application had assigned, or were under an obligation to assign, the respective inventions to Applied Materials at the time the present invention was made. Therefore, *Yudovsky* may not preclude patentability of the present invention under 37 C.F.R. §103(c). As *Chen* does not teach or suggest all the limitations of claims 1-3, 6, 8-10, 13-15, 18 and 21, a *prima facie* case of obviousness in view of *Chen* cannot be established.

Thus, the Applicants submit that all pending claims are patentable over *Chen* in view of *Yudovsky*. Accordingly, the Applicants request the rejection be withdrawn and the claims allowed.

ALLOWED CLAIMS

The Applicants thank the Examiner for her comments regarding the allowability of claims 22 and 23. The Applicants further thank the Examiner for her comments regarding the allowability of claim 4, 11, 16, and 19 if rewritten in independent form including the limitation of the base claims and any intervening claims. However, in view of the above discussion, the Applicants submit that

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these claims are patentable in their present form. Accordingly, the Applicants request the objection be withdrawn and the claims allowed.

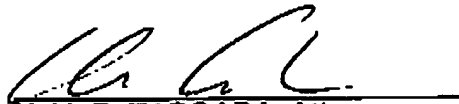
CONCLUSION

Thus, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

June 17, 2005


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